



THOMAS A. O'ROURKE  
WYATT GERBER MELLER & O'ROURKE  
99 PARK AVENUE  
NEW YORK NY 10016

**MAILED**  
**NOV 30 2010**  
**OFFICE OF PETITIONS**

In re Application of  
Charles E. MELINO, et al  
Application No. 09/262,656  
Filed: March 4, 1999  
Attorney Docket No. MELINO-2

**CORRECTED**  
**DECISION ON PETITION**

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 19, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file pay the issue fee on or before April 4, 2001, as required by the Notice of Allowance and Fee(s) Due, mailed January 4, 2001, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on April 5, 2001.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the issue fee and drawings; (2) the petition fee of \$750; and (3) the required statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

The Power of Attorney filed October 19, 2009, cannot be accepted because it is not signed by all applicants nor is it signed by an assignee who has properly become of record under 37 CFR 3.71.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

The application is being referred to the Office of Data Management for processing into a patent.

/DCG/

Diane C. Goodwyn  
Petitions Examiner  
Office of Petitions

Cc: STEVEN N. FOX, ESQ.  
P.O. BOX 251  
CANTON, MA 02021



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**CHARLES E. MELINO**  
**246 WELFARE AVE.**  
**WARWICK RI 02888**

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DECISION ON REQUEST FOR  
REVOCATION OF POWER  
OF ATTORNEY

This is a decision on the Request to Revoke the attorney or agent of record under 37 C.F.R. § 1.36(a), filed October 19, 2009.

The request is **NOT APPROVED**.

A power of attorney, pursuant to § 1.32(b), may be revoked at any stage in the proceeding of a case by an applicant for patent (§ 1.41(b)) or an assignee of the entire interest of the applicant under § 3.71(b). Fewer than all of the applicants (or by fewer than the assignee of the entire interest of the applicant) may only revoke the power of attorney upon a showing of sufficient cause, and payment of the petition fee set forth § 1.17(h). For the assignee to take action a proper statement under § 3.73(b) is required.

The request cannot be approved because it was signed by fewer than all applicants.

All future communications from the Office will be directed to the below address until otherwise notified by applicant, however, the power of attorney remains the same.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

/Diane C. Goodwyn/  
Diane C. Goodwyn  
Petitions Examiner  
Office of Petitions

Cc: THOMAS A. O'ROURKE  
WYATT GERBER MELLER & O'ROURKE  
99 PARK AVENUE  
NEW YORK NY 10016